

REMARKS

The undersigned has conducted a thorough review of the application and its prosecution history to understand the issues at hand. Accordingly, amendments to the specification, drawings, and claims are presented herein. In particular, by this amendment, claims 6 and 7 have been cancelled. Claims 1 and 2 have been amended. Claims 1-5 remain in the application. Support for the amendments to the claims is identified herein below. No new matter has been added. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, as amended, is respectfully requested.

Amendments to the Specification:

The disclosure has been amended to provide clarification of the drawing description and to provide clarification to that which is being claimed. In particular, the amendments to the specification include the addition of reference numerals in the description, as appropriate, to reflect the corresponding elements of the drawing figure, as well as, minor edits for clarification to the description. No new matter has been added.

Amendments to the Drawing:

The drawing filed July 9, 2004 was objected to for the reason that Figure 1 does not show claimed invention. Applicant acknowledges the issue that has been raised by the Examiner and in response thereto has amended the drawing. In particular, labels have been corrected and reference numerals added to Figure 1. As a result, and in addition to the amendments to the specification and claims, the objection is now believed overcome. A replacement FIGURE has been provided. Accordingly, applicant requests withdrawal of the objection to the drawing.

Rejection under 35 U.S.C. §103

Claim 1 recites a computer readable medium containing a computer program executable by a computer for managing a family of component systems within a medical diagnostic system and having a shared family architecture based upon commonly used generic building blocks of software, wherein said family of component systems include at least one system selected from the group consisting of application, technical and infrastructure components of an X-ray apparatus, said computer program comprising instructions for implementing: a service component framework that comprises a skeleton of software architecture that supports participating software plug-in components; participating software plug-in components that each provide one or more services, wherein the one or more services correspond to one or more functionalities specific to a corresponding software plug-in component, further wherein the one or more functionalities include aspects of use and control of the application, technical and infrastructure components of the X-ray apparatus that are modeled as the one or more services; and roles defined by the service component framework for providing one or more common interfaces for communication of services of several software plug-in components, wherein the service component framework is further configured for actively connecting common interfaces of software plug-in components and providing, via respective roles, the functionality of the interfaces to clients, the clients being configured for using the functionality provided by the service component framework and software plug-in components as a whole, without the service component framework revealing specific configurations of the software plug-in components to the client. The amendments to claim 1 are fully supported by the specification and the drawing as originally filed, for example, including at least on page 1, lines 27-28; page 2, lines 13-14; page 3, lines 14-23; and page 5, lines 3-19.

Claims 1, 2, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McDevitt et al. "Portable sensor array system", US Publication,

2003/0186228 A1 Oct. 2, 2003 (Hereinafter **McDevitt**) in view of Skeen et al., U.S. Patent No. 5,257,369 (Hereinafter **Skeen**) and "Official Notice." With respect to claims 6 and 7, the same have been cancelled herein, thus rendering the rejection thereof moot. With respect to claim 1, application traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, a prima facie case of obviousness has not been factually supported for the at least the following reason.

Even When Combined, the References Do Not Teach the Claimed Subject Matter

The **McDevitt** and **Skeen** patents and "Official Notice" cannot be applied to reject claim 1 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. Neither **McDevitt**, **Skeen**, nor the "Official Notice" teaches "a computer program comprising instructions for implementing: ..., wherein the one or more services correspond to one or more functionalities specific to a corresponding software plug-in component, further wherein the one or more functionalities include aspects of use and control of the application, technical and infrastructure components of the X-ray apparatus that are modeled as the one or more services; ... , wherein the service component framework is further configured for actively connecting common

interfaces of software plug-in components and providing, via respective roles, the functionality of the interfaces to clients, the clients being configured for using the functionality provided by the service component framework and software plug-in components as a whole, without the service component framework revealing specific configurations of the software plug-in components to the client” as is claimed in claim 1.

Therefore, it is impossible to render the subject matter of claim 1 as a whole obvious, and the explicit terms of the statute cannot be met. The rejection under 35 U.S.C. §103 should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claim 2 depends from and further limits independent claim 1 and therefore is allowable as well. The 35 U.S.C. § 103(a) rejection thereof has now been overcome.

Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over over **McDevitt**) in view of **Skeen** and “Official Notice”, in further view of Java 2 Platform, Enterprise edition, J2EE, Sun Microsystems, 12/17/1999 (Hereinafter **Shannon-Sun**). With respect to claims 3-5, application respectfully traverses this rejection for at least the following reasons. Dependent claims 3-5 depend from and further limit independent claim 1 and therefore are allowable as well. Accordingly, the 35 U.S.C. § 103(a) rejection thereof has now been overcome.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claim 1 is in condition for allowance. Dependent claims 2-5 depend from and further limit independent claim 1 and therefore are allowable as well. The amendments herein are fully supported by the original specification and drawings as discussed herein, therefore, no new matter is introduced.

Withdrawal of the final action and issuance of an early formal notice of allowance of claims 1-5 is requested.

Respectfully submitted,

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Attachments

a-32658.108

Amendments to the Drawing:

The attached sheet of drawings includes changes to Figure 1. This sheet replaces the sheet of drawings filed on March 22, 2004, corresponding to the drawing referred to by the amendment dated July 9, 2004. In Figure 1, label errors have been corrected and reference numerals have been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes



APPLICATION No. 09/801,621
Amdt. Dated July 28, 2006
Reply to Office Action of June 14, 2006
ANNOTATED SHEET SHOWING CHANGES

1/1

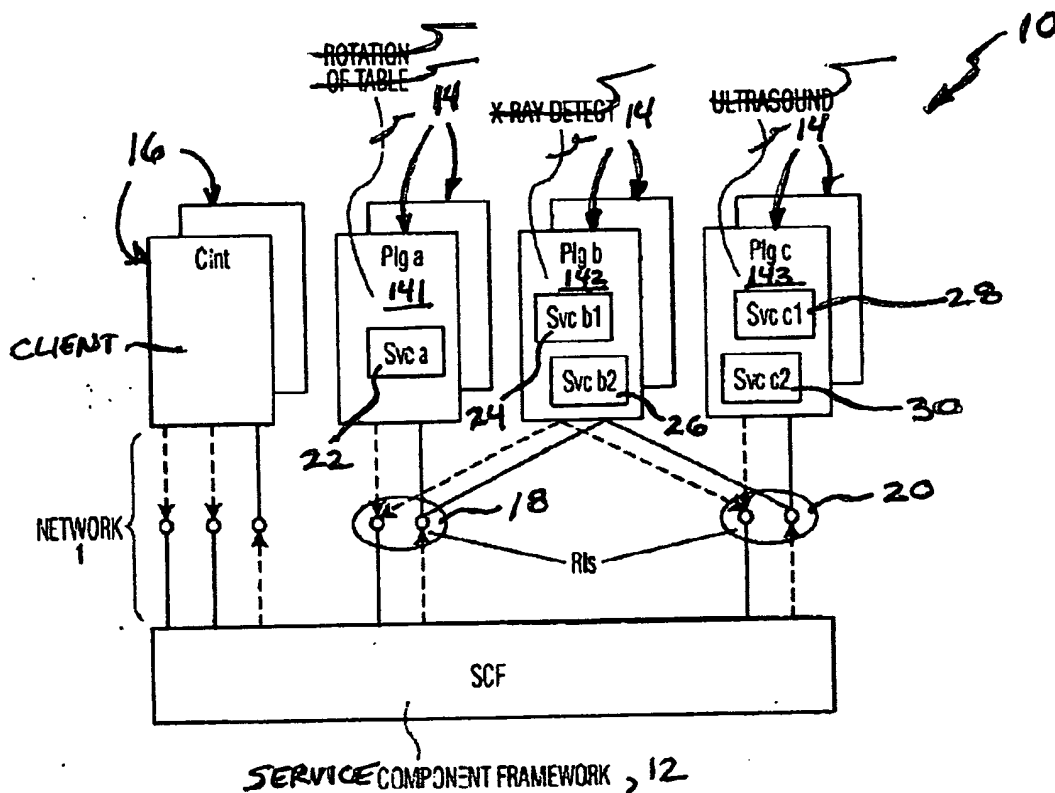


FIG. 1

Note:
Labels Corrected
Ref.#'s Added